

REMARKS

In response to the Office Action dated April 4, 2005, Applicant has amended claims 74-83. Thus, claims 1 and 49-83 remain pending in the application. Applicant has also added new claims 84 to 109 in the application. Reconsideration of the claims is respectfully requested.

Claims 74-83 were rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 39-48 of prior U.S. Patent No. 6,362,822. The Examiner states that pending claims 74-83 are identical in every aspect, except for the claimed step of “*outputting* result image data . . .”, rather than “*displaying* result image data . . .” as recited in claim 39 of the ‘822 patent. Applicant respectfully traverses for two reasons. First, Applicant has amended claim 74 to delete the language “to a computer screen” in the last recited step. Thus, making the step of “outputting result image data” in pending claim 74 (and claims dependent thereon) broader than the corresponding step cited in patented claim 39 of the ‘822 patent. Second, the amended claims differ in another aspect. Namely, the preamble of claim 39 of the ‘822 patent recites:

“A computer-readable medium carrying at least one set of computer instructions configured to cause at least one processor *within a computer system* to operatively render simulated shadows in a multi-dimensional simulated scene by performing the steps of . . .” (‘822 patent, Col. 16, lines 33-38)(italics added).

In contrast, the preamble in pending claim 74 does not contain the italicized text found in the preamble of claim 39 of the ‘822 patent. As a result, the scope of pending claims 74-83 are broader than that of patented claims 39-48 because the referenced processor

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is not required to be within a computer system to operatively render simulated shadows in a multi-dimensional simulated scene. Accordingly, withdrawal of the rejection for claims 74-83 is respectfully requested.

Claims 1 and 49-73 were rejected under the judicially created doctrine of obvious-type double patenting as being unpatentable over claims 1-20 and 33-38 of the '822 patent. Applicant has submitted herewith a terminal disclaimer to overcome this rejection. Accordingly, withdrawal of the rejection of claims 1 and 49-73 is respectfully requested.

In view of the foregoing amendments and arguments, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, a notice of allowance is respectfully requested. If there are any unaddressed issues, the Examiner is invited to contact Applicant's representative at the telephone number indicated below. If there are any fees due, The Commissioner is authorized to charge any required fee in connection with this paper to our Deposit Account No. 50-0310 (063731-0039).

Respectfully submitted,


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